

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-556-D

AIRE NATION SOLE CORPORATION,)

Plaintiff,)

v.)

MARK LINDSAY STEVENS, et al.,)

Defendants.)

ORDER

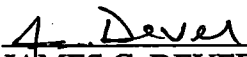
On September 26, 2024, Aire Nation Sole Corporation (“Aire Nation” or “plaintiff”), proceeding pro se, filed a complaint [D.E. 1]. On October 3, 2024, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to Magistrate Judge Robert T. Numbers, II for a Memorandum and Recommendation (“M&R”) and for a frivolity review [D.E. 2]. On October 9, 2024, Judge Numbers ordered plaintiff to either pay the \$405 fee to the Clerk of Court or to file an application to proceed without prepaying fees or costs, have an attorney appear on its behalf, and file an amended complaint that contains the factual basis supporting the claims against each defendant within 14 days from the date of entry of this order [D.E. 3]. Judge Numbers warned plaintiff that failure to comply with the order may result in the dismissal. See id. On October 21, 2024, plaintiff filed two applications to proceed without prepaying fees or costs [D.E. 4, 5]. Plaintiff, however, did not have an attorney file a notice of appearance or file an amended complaint. On October 31, 2024, Judge Numbers issued an M&R recommending the court dismiss the complaint without prejudice for failure to comply with this court’s order and for failure to state a claim upon which relief can be granted [D.E. 6].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Aire Nation did not object to the M&R. Therefore, the court reviews for clear error. See Diamond, 416 F.3d at 315. The court has reviewed the M&R and the record. No clear error appears on the face of the record. See id.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 6] and DISMISSES WITHOUT PREJUDICE plaintiff’s complaint for failure comply with this court’s order and failure to state a claim upon which relief can be granted. The clerk shall close the case.

SO ORDERED. This 6 day of December, 2024.


JAMES C. DEVER III
United States District Judge